

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KENNETH JAMAR ROBINSON,	)	
	)	
Petitioner	)	
	)	
v.	)	1:05cv487
	)	1:03cr435-1
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
	)	

---

ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION

On January 12, 2006, Magistrate Judge Wallace W. Dixon filed his Recommendation [Doc. # 10]<sup>1</sup> that the Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence [Doc. # 3] be denied and that Judgment be entered dismissing this action.

Rule 72 of the Federal Rules of Civil Procedure provides that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b). On January 12, 2006, the parties were mailed notification of the Recommendation filing and informed that objections to the Recommendation were due on February 2, 2006. On February 14, 2006, the notification addressed to Petitioner Kenneth Jamar Robinson was returned and

---

<sup>1</sup>This and all further citations to the record will be to the civil case, 1:05cv487.

marked underliverable by the postal service. Also on February 14, 2006, the Court remailed notification to Mr. Robinson at an address provided by the Bureau of Prisons inmate locator. To date, neither party has filed an objection to the Recommendation.

The Court has reviewed the Recommendation of the Magistrate Judge and, finding no clear error, adopts that Recommendation. Thus, for the reasons set out in the Recommendation, the Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence [Doc. # 3] is DENIED.

This the 26<sup>th</sup> day of October, 2007.

/s/ N. Carlton Tilley, Jr.  
United States District Judge